

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KASSIM OLIVER and JOANNA PIPPINS

Plaintiff,

-against-

COUNTY OF NASSAU, P.O. DAVID DESECHAK,  
P.O. MATTHEW ANDOOS, P.O. THOMAS WATERS,  
P.O. NICHOLAS BRANDO, P.O. JOHN OLNOWICH,  
LT. MICHAEL HOLFESTER, LT. JOHN PIZZIMENTI,  
and DETECTIVE BRIAN PARPAN,

Defendant(s).

**PLAINTIFF'S  
DECLARATION IN  
SUPPORT OF  
PLAINTIFFS MOTION  
FOR SUMMARY  
JUDGMENT**

**CV 07-2137 (LDW)(ARL)**

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NICHOLAS J. MASSIMO, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury as follows:

1. I am a member of the law firm of Massimo & Panetta, P.C., the law firm retained to represent Plaintiffs' KASSIM OLIVER and JOANNA PIPPINS in the above entitled action and am fully familiar with the facts and circumstances set forth herein.

2. This Declaration and attached exhibits are submitted in support of Plaintiff's Motion for Summary Judgment.

3. Annexed hereto as **Exhibit A** is a copy of the Summons & Complaint in this action filed on or about February 25, 2015.

4. Annexed hereto as **Exhibit B** is a copy of the Defendants Answer to the Complaint filed on or about August 27, 2015.

5. Annexed hereto as **Exhibit C** is a copy of the Nassau County Police Department 911 Radio Call and MDT Transmissions for July 12, 2012.

6. Annexed hereto as **Exhibit D** is a copy of the Deposition Transcript of Defendant P.O. Thomas Waters.

7. Annexed hereto as **Exhibit E** is a copy of the Deposition Transcript of Defendant P.O. Matthew Andoos.

8. Annexed hereto as **Exhibit F** is a copy of the Deposition Transcript of Defendant P.O. David Desenchak.

9. Annexed hereto as **Exhibit G** is a copy of the Deposition Transcript of P.O. Nicholas Brando.

10. Annexed hereto as **Exhibit H** is a copy of the Supporting Deposition filed against Plaintiffs by P.O. David Desenchak dated July 13, 2012.

11. Annexed hereto as **Exhibit I** is a copy of the Criminal Trial transcript of Defendant P.O. David Desenchak.

12. Annexed hereto as **Exhibit J** is a copy of the Criminal Trial transcript of Defendant P.O. Matthew Andoos.

13. Annexed hereto as **Exhibit K** is a copy of the Deposition transcript of Defendant Plaintiff Kassim Oliver.

14. Annexed hereto as **Exhibit L** is a copy of the video recording taken from Plaintiff Kassim Oliver's iPod Touch on July 12, 2012.

15. Annexed hereto as **Exhibit M** is a slowed down copy of the video recording taken from Plaintiff Kassim Oliver's iPod Touch on July 12, 2012.

16. Annexed hereto as **Exhibit N** is a copy of the Deposition transcript of Plaintiff Joanna Pippins.

17. Annexed hereto as **Exhibit O** is a copy of the Deposition transcript of Defendant Detective Brian Parpan.

18. Annexed hereto as **Exhibit P** is a copy of the Deposition transcript of Defendant Lieutenant John Pizzimenti.

19. Annexed hereto as **Exhibit Q** is a copy of the Accusatory Instrument filed against Plaintiff Kassim Oliver on July 13, 2012.

20. Annexed hereto as **Exhibit R** is a copy of the Accusatory Instrument filed against Plaintiff Joanna Pippins on July 13, 2012.

21. Annexed hereto as **Exhibit S** is a copy of the Supporting Deposition filed against Plaintiffs by P.O. Matthew Andoos dated July 13, 2012.

22. Annexed hereto as **Exhibit T** is a copy of the Supporting Deposition filed against Plaintiffs by P.O. Nicholas Brando dated July 13, 2012.

23. Annexed hereto as **Exhibit U** is a copy of the Deposition transcript of Defendant Lieutenant Michael Holfester.

24. Annexed hereto as **Exhibit V** is a copy of the Criminal Trial transcript of Defendant Detective Brian Parpan.

25. Annexed hereto as **Exhibit W** is a copy of the Criminal Trial transcript of Assistant District Attorney Daniel Looney.


26. Annexed hereto as **Exhibit X** is a copy of the Criminal Trial transcript of Investigator John McKenna.

27. Annexed hereto as **Exhibit Y** is a copy of the Certificate of Disposition of the Nassau County District Court charges filed against Plaintiff Joanna Pippins.

28. Annexed hereto as **Exhibit Z** is a copy of the Certificate of Disposition of the Nassau County District Court charges filed against Plaintiff Kassim Oliver and the Criminal Trial Transcript of the Trial Order of Dismissal by the Honorable Sharon Gianelli, Nassau County District Court Judge.

WHEREFORE, Plaintiff requests that the Court grant Plaintiffs' Motion for Summary Judgment in its entirety and such other and further relief as this Court deems appropriate.

Dated: February 3, 2013  
Mineola, New York

  
NICHOLAS J. MASSIMO, ESQ.